

U.S. DISTRICT

2003 OCT 2 The Honorable Terry L. Myers
Chapter 7

RECORDED & INDEXED
CARRIE LEE BURKE
CLERK, IDAHO

1 John R. Rizzardi, WSBA No. 9388
2 Admitted Pro Hac Vice
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5 Seattle, WA 98104-2323
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8 UNITED STATES BANKRUPTCY COURT FOR THE
9 DISTRICT OF IDAHO

10 In re:

11 FRANK L. CHAPIN and
12 SYDNEY L. GUTIERREZ-CHAPIN,

13 Debtors.

NO. 02-20218

DECLARATION OF DR. FREDERICK A.
LEAF

14 I, Frederick A. Leaf, under the penalty of perjury under the laws of the State of
15 Washington, declare as follows:

16 1. I am a creditor of the Debtors in this proceeding and make this Declaration based
17 upon my personal knowledge.

18 2. I have reviewed the contents of the Motion for Order Clarifying the
19 Inapplicability of the Automatic Stay and the Declaration of John R. Rizzardi. All facts stated
20 therein are true and correct.

21 3. As the court knows, I attempted to obtain confirmation of a creditor's plan of
22 reorganization in the Chapter 11 proceeding. I was unable to do so due to the Debtors' failure to
23 file their income tax returns. Due to their failure to account for certain funds, sale of estate assets
24 without court permission, and failure to file tax returns, this court granted my motion for
25 conversion.
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DECLARATION OF DR. FREDERICK A. LEAF - 1

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ORIGINAL

1 4. I have spent an extraordinary amount of money in not only defending myself, but
2 also in attempting to secure payment from those who deprived the Estate of Christina Leaf of
3 over \$700,000. Accordingly, I sought a judgment against those Non-Debtor Entities described in
4 the Motion.

5 5. I attempted to resolve my claims by negotiating with the Debtors. That effort
6 failed and their Chapter 11 case was converted. My lawsuit against the Non-Debtor Entities
7 needed to be resolved. As there was no appearance from any defendant, Default requests were
8 made to the Idaho District Court.

9 6. What should have been, in my opinion, a fairly straightforward request has turned
10 into another time-consuming and expensive problem for me to solve.

11 7. I respectfully request this court grant me the relief I request so that I can finally
12 begin the process of recovering the funds that belonged to the Estate of Christina Leaf.

13 8. For the Court's information, I have now settled the Spokane County Superior
14 Court proceeding, and that judgment against me has been vacated, with prejudice. I am to be
15 granted an assignment of Christina Leaf heirs' claims against the Debtors.

16 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE
17 OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

18 Dated this ____ day of October, 2003 at Seattle, Washington.

19 (see attached)
20 _____
21 Dr. Frederick A. Leaf

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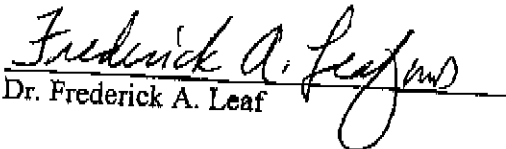
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16 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE
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18 Dated this 1st day of October, 2003 at Seattle, Washington.

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20 
21 Dr. Frederick A. Leaf

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DECLARATION OF DR. FREDERICK A. LEAF - 2

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